United Nations A/HRC/58/74

General Assembly

Distr.: General
12 March 2025

Original: English

Human Rights Council
Fifty-eighth session
24 February–4 April 2025
Agenda item 2
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Study on the so-called law on the promotion of virtue and the prevention of vice

Report of the Special Rapporteur on the situation of human rights in Afghanistan, Richard Bennett*

Summary

The present report, prepared by the Special Rapporteur on the situation of human rights in Afghanistan pursuant to Human Rights Council resolution 57/3, provides an analysis of the so-called law on the promotion of virtue and the prevention of vice.

* The present report was submitted to the conference services for processing after the deadline so as to include the most recent information.

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I. Introduction

1. On 21 August 2024, the Taliban de facto authorities in Afghanistan published the so-called law on the promotion of virtue and the prevention of vice.[1] The law codifies and consolidates the many discriminatory decrees, edicts and policies imposed by the Taliban since seizing power in 2021, solidifying the group's stranglehold on Afghan society. While women and girls bear the brunt of this oppression, no one is spared: men, boys, gender-diverse persons, ethnic and religious minorities, marginalized communities and the independent media all face a deeply repressive regime that dictates almost every aspect of life.

2. The announcement of the law sparked an immediate outcry from Afghan human rights defenders, in particular women, who have been at the forefront of resistance to the Taliban's policies of oppression. The law was also condemned by United Nations experts, including the Special Rapporteur on the situation of human rights in Afghanistan, and by the United Nations High Commissioner for Human Rights, the United Nations Assistance Mission in Afghanistan (UNAMA), the Security Council, international non-governmental organizations and members of the international community.

3. In the present study, the Special Rapporteur provides an analysis of the law on the promotion of virtue and the prevention of vice – its provisions, wide-ranging violations of human rights and its devastating impacts and consequences. He places the law within the broader context of Taliban policies, tracing a clear trajectory of escalating repression since the group retook power and drawing parallels with the group's draconian rule from 1996–2001. In doing so, the Special Rapporteur further confirms his earlier warnings: that Afghanistan is now the epicentre of an institutionalized system of gender-based discrimination, oppression and domination that amounts to crimes against humanity, including the crime of gender persecution. He shows how the group is incrementally, but no less systematically, cementing its control over the lives of the people of Afghanistan, forecasting that the already grave situation is likely to deteriorate still further.

4. If allowed to continue, the consequences of the Taliban's intensifying assault on the rights and freedoms of the people of Afghanistan will be profound and long lasting, leaving a society marked by fear, division and exclusion, one in which misogyny is normalized and inequality entrenched. Without meaningful action to reverse course, repression and isolation will deepen, preventing the emergence of an inclusive, stable and prosperous Afghanistan.

II. Mandate and methodology

5. The present report is submitted pursuant to Human Rights Council resolution 57/3, in which the Council requested the Special Rapporteur to prepare a study on the so-called law on the promotion of virtue and the prevention of vice.

6. In preparing the present report, the Special Rapporteur conducted a series of consultation meetings and one-to-one interviews with Afghans of diverse backgrounds and identities, both inside and outside of the country, to gain an understanding of the law, its impacts and its consequences. Those consulted included Afghan women, men, gender-diverse persons, persons from diverse ethnic and religious backgrounds, young people, individuals working in the field of children's rights and disability rights activists, as well as international and Afghan experts on human rights law and sharia. The Special Rapporteur also met with representatives of international and national non-governmental organizations, received confidential reports and analyses and sought further input through a public call for submissions. He also benefited from data and insights gathered by the Bishnaw

[1] Sometimes referred to as the law on the propagation of virtue and the prevention of vice.

project as part of an independent survey of 7,223 Afghan women across 32 provinces from December 2024 to January 2025.[2]

7. The Special Rapporteur actively sought to engage with the de facto authorities. On 17 December 2024, he wrote to the de facto authorities requesting information relating to the law, its implementation and its enforcement. He also shared a draft report with the de facto authorities for comments on any factual errors. At the time of writing, no response had been received. The Special Rapporteur also wrote to the Permanent Mission of Afghanistan to the United Nations Office and other international organizations in Geneva and expresses his appreciation for its input.

8. The Special Rapporteur extends his thanks to all those who consented to meet with him and his team and who provided information for the present study.

III. International legal obligations

9. As a State Party to various international conventions and human rights treaties, Afghanistan is obligated to uphold its commitments under international law. These include the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities, as well as the Rome Statute of the International Criminal Court.

10. Since August 2021, the de facto authorities have assumed effective control over the country and are therefore responsible for fulfilling the obligations derived from international treaties and conventions to which Afghanistan is a party, irrespective of whether there is formal recognition of the change of government.

IV. Background and context

A. The Taliban return to power

11. In August 2021, the Taliban seized power in Afghanistan, causing the collapse of the then Government. The group declared the establishment of an "Islamic Emirate of Afghanistan", the title used when it controlled the country between 1996 and 2001. To date, the de facto authorities in Afghanistan have not been recognized internationally.

12. Soon after taking power, the Taliban began imposing a range of restrictions on the lives and rights of the people of Afghanistan. Nowhere has this been more evident than in the attack on the rights of women and girls, who have been virtually erased from public life, denied their rights to freedom of movement, expression, assembly and association, to work, to education, to healthcare, to political participation and to access to justice, among others. The Special Rapporteur has concluded that these deprivations may amount to crimes against humanity, including gender persecution.[3]

13. While women and girls have borne the brunt of the Taliban's oppression, other serious human rights violations continue. These include discrimination and violence against ethnic and religious minorities by the de facto authorities and the continuation of deadly attacks, in particular against ethnic Hazaras, which are often claimed by the Islamic State in Iraq and the Levant-Khorasan. Despite the announcement of a "general amnesty", former civil servants and security force officials have been targeted with reprisals. Civic space, including

[2] Bishnaw is a project of the Organization for Policy Research and Development Studies. Details of the survey and its methodology are available at https://bishnaw.com/the-pvpv-law-and-its-impact-on-women-and-their-communities/.

[3] See A/HRC/56/25.

the space for press freedom, has shrunk dramatically. Human rights defenders remain at risk of detention, violence, threats and intimidation. Meanwhile, there has been an alarming increase in the use of corporal punishment.

14. The above-mentioned violations are being perpetrated against the backdrop of an ongoing humanitarian and economic crisis. Some 22.9 million people – almost half of the population – need humanitarian assistance, a situation worsened by dwindling international aid and the vulnerability of Afghanistan to climate crises.[4]

B. Taliban rule from 1996 to 2001

15. The Taliban's period of rule over Afghanistan from 1996 to 2001 was marked by brutal repression. During that time, the group tightly controlled the population, systematically violating people's rights and freedoms. Women were largely excluded from public life, subjected to severe restrictions and banned from education and employment. Public executions, floggings and amputations were commonplace. Ethnic and religious minorities, particularly ethnic Hazaras, faced violence, discrimination and repression.

16. Taliban control was imposed through a range of laws, decrees and directives, many of which share striking similarities with those that have been announced since the group retook power in 2021. For example, there was a specific regulation, introduced in 1997, on the "promotion of virtue and the prevention of vice",[5] as well as other decrees prohibiting women working for foreign and non-governmental organizations (Decree No. 8 of 20 July 2000), banning the playing of sports in stadiums and fields after the afternoon call to prayer (Decree No. 847 of 14 October 2000), providing for the punishment of individuals who had converted to Christianity or Judaism (Decree No. 40 of 9 February 2001) and banning the display of images of living beings, crosses and sacred words on industrial products (Decree No. 9 of 14 June 2001).

17. Much like the 2024 law on the promotion of virtue and the prevention of vice, the 1997 regulation contained mandatory hijab requirements for women and restricted women's freedom of movement. Depending on the situation, under that regulation if a woman left her home without observing "proper hijab" requirements, her husband could be punished and her house marked to identify the transgression. Other provisions prohibited women from dancing and singing loudly at celebratory events, visiting public baths or being seen in tailor shops. The regulation also imposed restrictions on the appearance of men and boys, established requirements with regard to observing prayer times, banned music cassettes and the sale and distribution of kites, and mandated the destruction of images of living beings in public spaces. The punishments for different offences were fixed and predetermined, leaving no room for flexibility or discretion in their application.

18. In 2001, the Taliban supplemented the regulation through annex No. 1, which provided for additional substantive and procedural regulations, further reinforcing the Taliban's strict, ideologically based approach to governance. In the annex new violations and penalties were introduced covering a wide range of behaviours, from shopkeepers' conduct to restrictions on foreign nationals and institutions. Religious minorities were required to adhere to dress codes and restricted in their religious practice. They were instructed to mark their vehicles and wear identifying symbols, although this was not enforced before the regime fell in late 2001. It also required that homes be designed to prevent passers-by from seeing inside, closely mirroring a Taliban directive issued in December 2024. In addition, women were instructed to avoid standing in places where they could easily be seen by men.

19. Annex No. 1 also introduced specific details regarding the duties, powers and scope of *muhtasibs* – individuals who were responsible for enforcement of the regulations. Additional edicts further supported enforcement, including through the establishment of offices for the promotion of virtue and the prevention of vice in districts (Decree No. 33 of

[4] Office for the Coordination of Humanitarian Affairs, *Afghanistan Humanitarian Needs and Response Plan 2025*, Humanitarian Programme Cycle 2025, 19 December 2024.

[5] Regulation on *Amr bil-Ma'ruf wa Nahiyya Anil-Munkar* (1997), Official Gazette No. 783, and (4 September 2001) Official Gazette No. 799 (2001).

28 September 1999), the organization of regular meetings on matters related to promoting virtue and preventing vice (Edict No. 174 of 14 May 2001), the broadcasting of programmes on the subject (Edict Nos. 16 of 5 June 2000 and 362 of 10 July 2001) and the appointment of *muhtasibs* in districts (Edict No. 120 of 1 July 2001).

20. In addition to outlining prohibited acts, the 1997 regulation also created an institution to enforce virtue and prevent vice, which was initially part of the Ministry of Justice but had become a full-fledged ministry by September 2001. This institution played a central role in enforcing the Taliban's restrictions on the lives and rights of Afghans.

21. Restrictions imposed by the Taliban were ruthlessly and violently enforced by officials responsible for promoting virtue and preventing vice, often referred to as the "religious police", who subjected the Afghan people, in particular women, to harassment, arbitrary and humiliating public beatings, and detention. Punishments were harsh and immediate, without any right to recourse or due process, and in some cases included amputation and stoning.

C. Internal dynamics within the Taliban

22. The announcement of the 2024 law on the promotion of virtue and the prevention of vice came amid continued speculation of infighting and disunity within the Taliban. Since retaking power, there have been consistent reports of internal power struggles, often characterized as a contest between ideological hardliners in Kandahar and more pragmatic de facto officials in Kabul who view some restrictions as counterproductive to gaining international recognition and the easing of international sanctions. Some senior Taliban officials have also spoken out against some of the group's restrictions, in particular on girls' access to education, suggesting a lack of consensus. Meanwhile, de facto ministries controlled by more hardline leaders, especially the de facto ministries responsible for the promotion of virtue and the prevention of vice, justice, education, and higher Education, are reportedly enforcing the law more strictly.

23. Power struggles surrounding control of the country's security, intelligence and law enforcement apparatus are reported to be intense. During the first period of Taliban rule, officials responsible for promoting virtue and preventing vice had an effective monopoly over policing, a pre-eminence that has diminished since the Taliban retook power. Instead, law enforcement and other security responsibilities now fall under the purview of three entities: the de facto Ministry of the Interior, which controls the de facto police; the de facto General Directorate of Intelligence and the de facto Ministry of Defence. Consequently, some analysts consider the enactment of the law on the promotion of virtue and the prevention of vice as an attempt to reassert the authority of the de facto ministry with responsibility in that area, not only over the population but also within the de facto authorities themselves. The overall supremacy of the Taliban leader is clearly reasserted and reinforced by the law.

24. The Taliban spokesperson has dismissed speculation about internal conflict, describing it as propaganda. Ultimately, and as the enactment of the law shows, the group remains united on its overall objectives and is unlikely to deviate from these in the near future.

V. The so-called law on the promotion of virtue and the prevention of vice

A. Overview

25. The law on the promotion of virtue and the prevention of vice, published in Dari and Pashto, comprises five sections: an introduction and four chapters comprising 35 articles in

total. These articles are accompanied by extensive footnotes in Arabic, citing Hanafi texts and scholars, which are used as the source of or justification for specific provisions.[6]

26. The introduction outlines the basis of the law, its aims and its objectives, and provides a definition of some of the specific terms referred to therein. It establishes the de facto ministry responsible for the promotion of virtue and the prevention of vice as the primary institution in charge of implementing the law, with responsibility for enforcement being tasked to *muhtasibs*.[7]

27. Chapter One details the principles and criteria regarding the *muhtasibs*. These include article 9 on eligibility requirements, such as knowledge of relevant Islamic sharia rulings, and article 10 on the need to respect individuals' dignity and human rights, and avoid unnecessary investigations or violations of privacy, except where permitted by sharia.

28. Chapter Two sets out prohibited actions and behaviours, which are framed in terms of the *muhtasib's* duties and are applied to a wide range of individuals and groups. There are specific obligations for media organizations, merchants, businesspeople, farmers, and public transportation companies and drivers, among others. Chapter Three outlines the punishments that *muhtasibs* can administer, as well as a *muhtasib's* responsibilities towards detainees. Finally, Chapter Four includes a series of "miscellaneous" provisions, which address monitoring and evaluation of the law's implementation and reporting, as well as training and educational activities.

B. Legal basis

29. The law is the result of a lengthy drafting process, which began in early 2023 and was officially completed on 31 July 2024 when it was gazetted. According to the article 1 of the law, it was enacted pursuant to Decree No. 9, issued by the Taliban leader on 24 October 2022, which outlines the process for approving legislative documents. Under this process, the relevant department is responsible for initiating a first draft, with input from a committee of religious scholars and experts. The draft is then submitted to the Ministry of Justice for sharia-based review and to ensure consistency. Next, the draft is submitted to an independent commission for review and corrections before being presented to the Taliban leader for signature. The signed document takes effect immediately and is published in the Official Gazette. The enactment of the law on the promotion of virtue and the prevention of vice thus reaffirms the Taliban leader as the supreme authority of law under the de facto authorities, while the process of enactment confirms the law's intentional and institutionalized nature. It should be noted, however, that many Afghans reject the legitimacy of the Taliban, including their legitimacy to enact and enforce legislation.

30. The law was not subject to broad consultation. While the formal process requires input from a council of ulama, experts, academics and legal researchers, only Taliban-aligned individuals were included. The general public, including women and members of minority or marginalized groups, was also excluded. This exclusion meant that there was virtually no opportunity to challenge or critique the law, a situation compounded by severe restrictions on freedom of expression. Afghans inside the country, including religious scholars, face threats, intimidation and detention if they question the Taliban or their interpretation of sharia, while those outside fear reprisals, especially if their close relatives still live in the country. Several experts only agreed to speak to the Special Rapporteur on condition of anonymity.

[6] There is no official English translation of the law. Analysis in the present study is based on unofficial translations provided by three different sources.

[7] The role of *muhtasibs* has its origins in the concept of *hisbah*, the collective duty of all Muslims to call for what is good or right and prevent what is bad or wrong. It developed out of the roles of an *amil al-suq* (market official) and *sahib al-suq* (market master), officials who historically were responsible for *hisbah*-related duties, with a focus on monitoring market activities and ensuring fairness in trade. Over time, and as the responsibilities of these roles expanded to include other religious duties, they were replaced with the role of a *muhtasib*.

31. It is beyond the scope of the Special Rapporteur's mandate to assess the law's adherence to sharia principles; however, he notes that Islamic scholars and other experts consulted in the context of the present study consistently raised concerns about what they described as the Taliban's extreme interpretation of sharia. They pointed in particular to provisions not found in the Qur'an or the teachings of the Prophet, the inclusion of prohibitions that lack consensus or are contested in sharia, the selective use of Hanafi jurisprudence and the distortion or decontextualization of principles or practices described in Hanafi jurisprudence. The establishment of the Hanafi school of thought as the basis of the law was also identified as a key concern, as it excludes other Islamic schools, thus disregarding the beliefs and practices of other Muslim groups, including Shias, Ismailis, Salafis and Sufis.

32. There are also significant concerns about how the law fits within the wider "legal" framework. After seizing power, the Taliban suspended the 2004 Constitution and announced a review of laws passed during the Republic era in order to assess their compliance with sharia law and Afghan traditions. The status of previous legislation remains unclear, resulting in a lack of legal certainty and consistency.

33. Legal certainty also involves accessibility. To be accessible, the law must be certain, foreseeable and easy to understand. The law on the promotion of virtue and the prevention of vice, however, contains broad, vaguely worded provisions and terms that are not precisely defined. Such ambiguity grants the de facto authorities excessive discretion to decide what is permitted or prohibited, potentially leading to arbitrary, discriminatory or abusive application of the law.

34. Moreover, while the main text of the law is in Dari and Pashto, there are extensive footnotes in Arabic citing Hanafi sources that the Taliban use to justify specific provisions. As Arabic is generally not spoken in Afghanistan, it is difficult, if not impossible, for most Afghans to understand the citations. Islamic scholars explained that, even if an individual understood Arabic, they would need specialized knowledge of sharia law and Islamic jurisprudence to critically assess the Taliban's claim that the law is grounded in and reflects sharia.

35. The law marks the first time that the Taliban have referenced other legal or doctrinal sources or provided detailed explanations of Islamic terms in a legal document – neither the 1997 regulation nor the 2001 annex thereto included such references or explanations. The inclusion is very deliberate, as the references are critical to support the Taliban's justification of the law and their claim to be implementing sharia, despite their governance project being unparalleled in other Muslim-majority countries. Islamic and legal scholars have suggested that Arabic terms are intentionally included to create a perception of religious authority, making any criticism of the law – or of the Taliban – appear to be a criticism of Islam.

C. Purpose, scope and applicability

36. The law has the following two primary objectives: to promote virtue (*Amr bil-Ma'ruf*) and prevent vice (*Nahiyya Anil-Munkar*); and to outline the duties and responsibilities of the *muhtasibs*. While everyone is expected to uphold the principles of virtue and avoid vice, enforcement is the responsibility of the *muhtasibs*, not the general population. Under article 5 of the law, the de facto ministry for the promotion of virtue and the prevention of vice has overall responsibility for ensuring the law's implementation. It is instructed to encourage people to act virtuously and without vice, in accordance with Islamic law and Hanafi jurisprudence, foster peace and deter ethnic, linguistic and regional prejudice (art. 6).

37. The law applies to all individuals in Afghanistan (art. 4). This marks a shift from earlier drafts in which it applied to "all citizens". The extent to which the provisions will be enforced for foreign nationals in Afghanistan, including United Nations and humanitarian workers, remains unclear. The potential for the Taliban to introduce restrictions similar to

those imposed on foreign nationals and institutions between 1996 and 2001 are a cause for concern.[8]

38. There is a lack of clarity regarding when and where the law applies. Article 4 states that the law is to be implemented in "public places"; however, the term is not defined, leaving broad discretion to *muhtasibs* to decide what constitutes a public or private place. In theory, *muhtasibs* are instructed not to intrude into private lives or enter homes without sharia justification (art. 10 (4)). In practice, however, there appears to be little distinction between the public and private spheres, with consistent reports of de facto officials conducting house searches and checking mobile phones in search of evidence of infractions having been committed. Other provisions seem to grant *muhtasibs* the authority to enter private spaces and interfere in personal matters (arts. 3 and 13 (1) and (4)). Islamic scholars told the Special Rapporteur that, in some instances, the law appears to contradict explicit sharia rulings prohibiting interference in private affairs.

39. Another concern is the ambiguity surrounding the age of criminal responsibility, compounding the Taliban's failure to recognize persons below the age of 18 as children – the international standard. Instead, the Taliban define the child as a person not showing signs of puberty. This has created significant legal and protection gaps. Under Taliban rule, children can be subjected to the same punishments as adults, including corporal punishments.

40. The law not only permits but specifically mandates punishment of children, and *muhtasibs* are explicitly instructed to prevent wrongful acts from being committed by children (arts. 22 (24), 23 and 26 (5)). Without safeguards, children risk not only being punished but also being exposed to, or forced to witness, the punishment of others, including their parents and guardians. While some provisions nominally protect children – namely the prohibitions on *bacha bazi* (a paedophilic form of sexual slavery whereby boys are systematically abused by older men) and on the mistreatment of orphans (art. 22 (5) and (26)), the Taliban's broader system of discrimination and oppression and their dismantling of child protection institutions undermine any potential for positive impact.

D. Substantive provisions

1. Hijab requirements and mandatory dress codes

41. Since retaking power, the Taliban have increasingly imposed and enforced strict dress codes, particularly on women and girls. They assert that when women and girls leave their homes, they must wear the "sharia hijab", which requires their faces to be covered entirely, except for their eyes. Girls in the fourth to sixth grades have been required to cover their faces when travelling to and from school.

42. The law reinforces this requirement, stating, in articles 3 and 13, that women (and girls) must cover their entire bodies and stipulating that their clothing should not be "thin", "short" or "tight". They are required, under article 13 (2) and (6), to cover their faces around men who are not their *mahram* (male guardian) to avoid potential *fitna*.[9] Women and men who are not related are prohibited from looking at each other's bodies or faces (art. 13 (7)). Muslim women are also obliged to cover themselves around non-Muslim or "impious" women to prevent *fitna* (art. 13 (6)).

43. In addition to confirming pre-existing restrictions on women's appearance, the law imposes new restrictions on their voices being heard – including the sound of them singing or reading aloud in public, which are considered awrah[10] and should be concealed. Article 13 (8) stipulates that when a woman leaves her home, she must not only cover her face and body but also refrain from raising her voice. Under article 22 (10), *muhtasibs* are

[8] For instance, in the 2001 annex, foreign nationals were prohibited from interacting with Afghan women, photographing living beings, wearing immodest clothing and distributing foreign media, while foreign institutions in Afghanistan could be held accountable for breaching the regulations on the promotion of virtue and prevention of vice and other regulations.

[9] *Fitna* has multiple meanings, including social disorder and moral corruption.

[10] *Awrah* refers to parts of the human body that are considered to be private and should be properly covered.

tasked with ensuring that women's voices are not heard outside homes and gatherings, placing women and girls at risk of sanction even in private spaces.

44. The law also imposes restrictions on men's and boys' appearance, stating, in article 14 (1), that the parts of the male body from the waist down to and including the knees are awrah and must be covered. Clothing should not be tight or reveal the shape of the body, especially during exercise (art. 14 (3)). In article 22 (18), men are prohibited from shaving or trimming their beards to shorter than the length of a fist.

45. Other provisions place further restrictions on people's personal appearance and, with it, the rights to freedom of expression and freedom of religion, including the freedom to manifest one's religion or beliefs – or lack thereof. Such restrictions include the banning of neckties, crucifixes and other undefined "un-Islamic" symbols (art. 22 (22)).

46. International human rights law guarantees the right to freedom of expression, a right which encompasses protections regarding personal dress.[11] Mandatory hijab and dress codes not only violate these rights, they reinforce discrimination, perpetuating harmful stereotypes about gender roles and identities. Indeed, the Taliban's restrictions on appearance clearly demonstrate their strict and binary conception of gender, one which divides society solely between males and females. The group applies strict and gendered expectations regarding not only personal appearance but also individuals' roles, obligations and behaviours; those who do not conform may face discrimination and violence. Restrictions on personal appearance are also used to facilitate and justify other violations and harms.

47. Many Afghan women and girls choose to wear some form of veil. The wearing of veils has a long history in Afghanistan and can hold personal significance, reflecting religious, ethnic, cultural and traditional values. All Afghan women and girls should be free to make their own choices in that regard, rather than be forced to comply with rules imposed by others associated with religious, cultural or other backgrounds.

48. Afghan women have actively resisted mandatory hijab requirements since the Taliban took power, at times taking to the streets in protest, despite the risk of arrest and detention. Reports suggest that many women in Kabul and other cities continue to wear their chosen form of veil. At the same time, the de facto authorities have, at times, arrested and detained women and girls for wearing "bad" or "incorrect" hijabs.

2. Freedom of movement

49. Since retaking power, the Taliban have imposed a range of oppressive restrictions on women's and girls' freedom of movement. Freedom of movement is not only important in its own right, it also plays an essential role in enabling other human rights, such as access to education, justice, livelihoods and healthcare and the right to participate in public life.

50. Restrictions on women's movement reflect the Taliban's intention to segregate society, confine women and girls to the private sphere more generally and deprive them of their fundamental rights, including the right to participate in public life. Indeed, implicit in mandatory hijab provisions – in which women leaving their homes is understood as requiring a "necessary purpose" – is the expectation that women remain at home, with access to public spaces being the exception rather than the rule.

51. The law on the promotion of virtue and the prevention of vice reinforces existing movement restrictions in two key ways, namely through the aforementioned mandatory hijab requirements and the stipulation for women to be accompanied by a mahram when travelling. Under article 20, the law instructs public transportation drivers not to transport women who are not accompanied by a mahram "of sound mind" or are not wearing the correct hijab and to prevent women from sitting or mingling with non-*mahram* men. In an earlier draft of the law, it was stated that women would require a *mahram* for journeys longer than 72 km, but this provision was removed. While the final version of the law does not specify a distance for women's unaccompanied travel, references to hadiths in the footnotes cite journeys of one day to three days and nights. The lack of clarity means that, in practice, any travel on

[11] International Covenant on Civil and Political Rights, art. 19; and Human Rights Committee, general comment No. 34 (2011), para. 12.

public transport by a woman without a mahram can be prohibited, regardless of the purpose or the distance.

52. Women and girls' freedom of movement – and thus access to services, healthcare, education, employment and public life – is largely dependent on having a mahram and, moreover, one who is able, willing and available to accompany them. The requirement has disproportionate impacts on female-headed households, widows, internally displaced persons, and women and girls with close male relatives with disabilities. It is especially concerning in situations when women urgently need to leave the home, for example during health emergencies or when fleeing domestic or intimate partner violence.

53. Within weeks of the law's announcement, women from provinces across Afghanistan reported facing tightened restrictions on their movement, including being stopped, interrogated and harassed at checkpoints, regardless of the distance they had travelled. Even when accompanied by a mahram, women reported scrutiny over whether their mahram was an immediate family member. Reports of arbitrary and inconsistent enforcement continue. Shop owners have been instructed to deny service to women not accompanied by a mahram; public transportation drivers have been told not to allow women to sit in the front seat of their vehicle. The de facto ministry responsible for the promotion of virtue and the prevention of vice has denied such allegations, despite mounting evidence; in January 2025, it branded a UNAMA report highlighting arbitrary enforcement as "far from the truth", claiming it was "an attempt to discredit" the de facto ministry.[12]

54. At the same time, women are increasingly responding to the law by self-regulating, choosing to conform rather than face sanction. Two thirds of the women surveyed by the Bishnaw project said that they had modified their behaviour by wearing the hijab or leaving home only with a mahram to avoid interactions with *muhtasibs*.

3. Personal relations

55. Several provisions in the law seek to regulate personal relationships and interactions, further underscoring the Taliban's intention to control all aspects of people's lives, including their private affairs. Under article 22 (20), Muslims are prohibited from being friends with or helping non-Muslims. In practice, these provisions do not appear to be actively enforced; indeed, senior Taliban officials themselves continue to meet with non-Muslims, in particular as part of their efforts to gain international support and legitimacy. However, they send a clear message to Afghan Muslims that they should minimize or limit interactions with certain groups. As noted earlier, other provisions restrict the interaction of unmarried women and men, including in their day-to-day activities. These restrictions occur in a broader context of gender segregation, which applies in workplaces, educational institutions, healthcare facilities and public spaces and is actively enforced.

56. Provisions that regulate personal relationships and interactions, or are aimed at segregating society, are clear violations of the rights to non-discrimination, privacy and freedom of association. They are likely to have detrimental impacts on the fabric of society, potentially leading to the exclusion, isolation or marginalization of at-risk and minority groups. The Special Rapporteur recalls that, under the first period of Taliban rule, restrictions on foreign nationals interacting with Afghan women deepened women's social isolation and severely hindered the provision of humanitarian assistance and other support.

4. Adultery

57. Under article 22 (1) of the law on the promotion of virtue and the prevention of vice, adultery (zina) is prohibited, whether committed by force or with consent. As a hudud[13] crime, punishment for adultery is not imposed by *muhtasibs* but by the courts, although *muhtasibs* are tasked with referring alleged acts to the relevant court. Laws that criminalize adultery, and the enforcement of those laws, often lead to discrimination and violence against women in law and in practice, violating their rights to privacy, freedom of movement and equality before the law. Of particular concern is that individuals accused of adultery are

[12] See https://x.com/OfVice96548/status/1884151976986030235/photo/1.

[13] *Hudud* refers to crimes regarded as being against God, punishment for which is fixed.

subjected to corporal punishment, which amounts to torture and other ill-treatment. In some cases, individuals have been sentenced to stoning. While both women and men have received punishments for zina since the Taliban retook power, women and girls have been disproportionately affected.

58. The failure in the law to distinguish between consensual sexual relations between adults outside marriage and rape or other forms of sexual violence is particularly concerning. Punishments for adultery are not unique to Taliban rule; such conduct was similarly criminalized under the Republic. International law clearly prohibits rape and other acts of sexual violence; States have an obligation to protect individuals against such crimes. The culture of silence that surrounds rape and other crimes of sexual violence in Afghanistan often prevents survivors from reporting these crimes. The fear of being accused of having committed a crime themselves further discourages survivors from reporting, undermining their already limited access to support and justice mechanisms.

5. Same-sex relations

59. Lesbian, gay, bisexual, transgender and other gender-diverse (LGBT+) Afghans have long faced discrimination and criminalization in law, policy and practice. Homosexuality was punishable by death during the first Taliban regime and remained a criminal offence under the Republic, albeit with the punishment reduced to imprisonment. The law on the promotion of virtue and the prevention of vice, in article 22 (3) and (4), affirms the criminalization of same-sex relationships and the creation of "opportunities and means" for such relations. Once again, as these are hudud crimes, punishment is the responsibility of the courts, although *muhtasibs* are required to report allegations of such acts.

60. Under the Taliban, persons in same-sex relationships are subjected to corporal punishment, which is generally accompanied by a term of imprisonment. Some individuals have been sentenced to "burial under a wall". Information on corporal punishment released by the de facto Supreme Court does not systematically include disaggregated data; however, there was a marked increase in its reporting of corporal punishment for "sodomy" in 2024, with a significant escalation beginning in September, after the law was enacted. LGBT+ individuals accused of or punished for the "offence" of homosexuality are often at greater risk of violence and discrimination, especially if these "offences" become known to their families and communities. Male survivors of sexual violence can also face punishment, risking further revictimization.

6. Religious beliefs and practices

61. Multiple provisions of the law restrict the right to freedom of religion or belief. These restrictions take several forms, such as by: imposing the Taliban's ideology, including their religious views, on the population, irrespective of people's personal religious or other beliefs, or lack thereof; mandating specific religious practices for Muslims; prohibiting the practice of religious or belief systems other than Islam; and granting broad powers to restrict Muslim practices and beliefs deemed contrary to the Taliban's interpretation of sharia.

62. The right to freedom of thought, conscience and religion includes the freedom to have or to adopt a religion or belief of one's choosing, to have no religion or belief at all and to manifest one's religion or belief in worship, observance, practice and teaching. Prohibiting or otherwise restricting specific religious beliefs or practices, imposing religious values and practices, and coercing adherence under threat of punishment constitute clear violations of that right. The Special Rapporteur stresses that mandating uniform religious practices undermines the personal and voluntary nature of faith and disregards the diversity of personal beliefs and expressions.

63. The religious practices of Muslims are strictly regulated. In addition to mandatory hijab requirements and dress codes, the law mandates congregational prayers in mosques at set times (arts. 18 (1), 19 (2) and 22 (16)); the observance of mandatory fasts (art. 22 (17)); and, for businesspeople, traders and farmers, the payment of zakat and ushr and the conduct

of their affairs in accordance with the Hanafi school (art. 18).[14] Under article 26, individuals who repeatedly fail to observe congregational prayers and fasts without a valid excuse can be referred to the courts, as can communities that collectively fail to offer congregational prayers. Even before the law was introduced, the Taliban had instructed that congregational prayers must be observed and that those who failed to comply would be subjected to detention and corporal punishments. Since the law was enacted, Afghans have continued to report inspections to ensure that businesses are closed during prayer times and the recording of attendance at prayers.

64. In addition to mandating religious practices for Muslims, the law also restricts the practice or observance of religions other than Islam, for example by banning the wearing of crucifixes and other "un-Islamic" symbols and prohibiting celebrations with no basis in Islam (art. 22 (21) and (22)). This poses yet further challenges for religious minorities, who already face discrimination and are severely restricted in practising their faith openly.

65. Under the law, actions or behaviour that the Taliban deem "un-Islamic" can result in punishment. These actions include publishing content deemed to contradict sharia or Islamic principles (art. 17 (1)), celebrating festivals with no basis in Islam (art. 22 (21), wearing or promoting "un-Islamic" symbols (art. 22 (22)) and practising or promoting bid'ah (art. 22 (23)).[15] While these provisions affect all persons in Afghanistan, the broad discretion to determine what constitutes "un-Islamic" behaviour or content, coupled with the Taliban's narrow interpretation of sharia on the basis of Hanafi jurisprudence, exacerbates concerns about the discriminatory application of the law against Muslim minorities, in particular Shia Muslims, who follow their own schools of thought and who have long faced discrimination and persecution in Afghanistan.

7. Freedom of expression and access to information

66. Freedom of expression, in particular the ability to share and receive information, is heavily curtailed under the law on the promotion of virtue and the prevention of vice. General provisions prohibit the "wrongful" use of tape recorders or radio, without defining "wrongful" use (art. 22 (8)). Taking pictures or videos of living beings on any device is banned (ibid.). The ban on images of living beings extends to media and news organizations, which are prohibited from publishing reports containing such images (art. 17 (3)), and to traders, artisans and farmers, who cannot sell, buy or use such images when advertising products (art. 18 (5) and (6)). Media and news organizations are also forbidden from publishing any reports that the Taliban deem to contradict Islamic law and religion or to "belittle" or "humiliate" Muslims (art. 17).

67. The right to freedom of expression includes the freedom to seek, receive and impart information and ideas of all kinds and through any media. Under international human rights law, any restriction on this right must be provided for by law; serve a legitimate aim, such as to ensure respect for the rights and reputation of others, or for the protection of national security, public order, public health or public morals; and be necessary and proportionate to achieve its aim. The provisions of the law on the promotion of virtue and the prevention of vice by which freedom of expression are restricted fail to meet these requirements.

68. Since seizing power, the Taliban have severely restricted freedom of expression, detaining peaceful protesters and education activists, clamping down on the independent media and banning books considered contrary to the Taliban's ideology, including books on religion, minority rights and politics. Against this backdrop, the Special Rapporteur is concerned that vaguely worded provisions in the law can, and will, be used to further prevent criticism of the Taliban or the sharing of information about human rights violations.

69. Since the law was enacted, the de facto authorities have continued to limit the operating space for independent journalists and media. De facto officials in several provinces have verbally warned journalists against the broadcast or publication of images of living beings; in several places, television stations have been forced to suspend operations. Some

[14] Zakat is a religious obligation requiring wealthy Muslims to donate a proportion of their wealth annually to support those in need; *ushr* is a tax on agricultural produce.

[15] *Bid'ah* refers to forms of worship not present in the Qur'an or *hadiths.*

have resumed broadcasts without programming featuring images of living beings. Media outlets have also been targeted for broadcasting allegedly "un-Islamic" content, such as through the arrest, in December 2024, of several media workers at a television station in Kabul. While the media workers were released, the station remains closed.

70. To date, the ban on images of living beings has not been uniformly enforced and is even being flouted by some Taliban officials, who continue to appear on news broadcasts and to post photographs on social media. The ban has impacts beyond the news media, including on the employment and incomes of artists, photographers and other creative professionals. Educators have also raised concerns about the impact on children's education, including regarding safety issues such as landmine awareness.

8. Cultural events and celebrations

71. Since seizing power, the Taliban have regularly sought to restrict celebrations of important festivals and events, sometimes justifying these restrictions on security grounds. Under article 22 (21) of the law on the promotion of virtue and the prevention of vice, cultural events and festivals, including Nowruz (the first day of the solar calendar) and Yalda (celebrated on the winter solstice), are specifically banned, as is the use of fireworks by Muslims and the celebration of undefined "other days" that are not part of Islamic tradition. The Special Rapporteur notes that Norwuz and Yalda have been registered as intangible cultural heritage by the United Nations Educational, Scientific and Cultural Organization (UNESCO), under the Convention for the Safeguarding of the Intangible Cultural Heritage, pursuant to which Afghanistan is required to safeguard them.

72. In addition to violating the right to participate in cultural celebrations, this provision violates the right to freedom of religion or belief, as the celebration of non-Islamic festivals is prohibited. Moreover, the vague wording means that *muhtasibs* are given broad and arbitrary powers to forbid all kinds of celebrations, including those associated with minority Muslim groups. This is especially concerning in a context where the de facto authorities have already restricted Shia observance of Ashura'.

9. Music

73. During their first period of control, the Taliban imposed a ban on music. Since retaking power, the group has once again sought to prevent the playing of music, banning singing, the playing of instruments and public musical performances. The de facto authorities have conducted raids to confiscate and destroy musical instruments, including the *rubab*, inscribed by UNESCO as intangible cultural heritage.[16] The crackdown has extended to social gatherings, including weddings, artistic performances and radio stations. Musicians and radio journalists have been harassed, detained and, in some cases, forced to flee the country.

74. The law on the promotion of virtue and the prevention of vice confirms these previously imposed restrictions. *Muhtasibs* are required to prevent the sound of music from emanating from gatherings or homes (art. 22 (10)), while staff and drivers of commercial vehicles are prohibited from playing music (art. 20 (1)). In practice, the provisions have been implemented patchily; however, increasing enforcement has been observed, particularly in the south-eastern, eastern and western regions. Several radio stations have been forced to close after broadcasting music; some were allowed to resume operations only after assuring the de facto authorities that they would no longer broadcast music.

E. Punishment and enforcement

1. Broad and arbitrary powers

75. The law on the promotion of virtue and the prevention of vice grants *muhtasibs* broad and arbitrary powers to detain and punish individuals accused of infractions of its provisions, without any requirement for evidence or due process, in flagrant violation of international

[16] See UNESCO, document LHE/24/19.COM/Decisions.

human rights law and standards. In conferring such broad and discretionary powers, the law enables *muhtasibs* to simultaneously function as law enforcement officers, judges and prison wardens, which very few limitations or checks on their power.

76. *Muhtasibs* can administer *ta'zir* punishments in accordance with the law; punishments for prohibited acts that constitute hudud crimes must be administered by the courts.[17] For violations of the law, *muhtasibs* follow a seven-step process, which begins with giving advice, warnings and verbal reprimands, then destruction of property, and extends to imprisonment for up to three days. The law also grants *muhtasibs* the power to mete out punishments that they deem "appropriate", provided that the offence does not fall under the jurisdiction of the courts. This is especially problematic as it is highly subjective, granting *muhtasibs* excessive power to determine what constitutes an "appropriate" punishment. Nowhere in the law are there safeguards against torture or other ill-treatment, nor are the accused given the rights to legal recourse or due process. It is important to note that *muhtasibs* are authorized to monitor and discipline not only the general public but also other de facto ministries and officials.

77. While heads of the de facto ministry responsible for the promotion of virtue and the prevention of vice have broad powers and can apply all seven forms of punishment, local de facto officials must consult with their superiors regarding punishments involving destruction of property, imprisonment or other "appropriate" measures. Individuals who commit repeated violations are to be referred to the relevant court (art. 26). *Muhtasibs* are also tasked with ensuring that detainees' basic needs are met and that they are released after completing their sentence (art. 27).

2. Enforcement

78. Since the law was enacted, there have been multiple reports not only of its enforcement but also of the strict enforcement of other Taliban restrictions, especially on women and girls. Afghans have described an increased presence of *muhtasibs* on the streets, inspecting people for compliance at markets and on public transport and meting out punishments, including verbal reprimands, public humiliation, fines and, at times, physical violence. In some areas, *muhtasibs* use loudspeakers to humiliate women for not being accompanied by a mahram or not wearing the "correct" hijab. Across different provinces, there are consistent reports of *muhtasibs* checking people's phones for banned content and entering people's homes to conduct searches. While enforcement has been patchy, the overall trend is towards conformity.

79. Echoing Taliban enforcement efforts in the 1990s, in October 2024, the Taliban leader ordered the creation of committees, headed by de facto provincial governors, to oversee implementation and report regularly on progress. In some provinces, local de facto authorities reportedly have imposed local orders to further support implementation.

80. While enforcement is being felt across the country, marginalized communities with pre-existing vulnerabilities, including widows, female-headed households and internally displaced persons, are disproportionately affected. Meanwhile, there are troubling indications that the law is being implemented more strictly in areas home to ethnic and religious minorities, particularly in central, northern, north-eastern and western Afghanistan.

81. Another worrying trend is the increasing involvement of community leaders, religious leaders and family members in enforcement. Religious leaders in particular appear to be playing an influential role, with imams encouraging adherence to the law in their sermons, including regarding observance of hijab and mahram requirements. The Bishnaw survey found that instruction from local mosques was one of the most cited methods of implementation. Within families, male family members are increasingly enforcing restrictions on their female relatives, with more women reporting needing permission to leave their homes. There are also increasing reports of female family members ensuring compliance.

[17] *Ta'zir* refers to punishments that are at the discretion of a judge (or other official).

82. While the extent of community enforcement varies across the country, the overall trend points to a growing normalization of restrictions and a blurring of the lines between Taliban control and private and community pressure.

3. Lack of independent oversight mechanisms

83. The de facto ministry responsible for the promotion of virtue and the prevention of vice is tasked, under article 29 of the law, with overseeing the conduct of *muhtasibs*; however, the law contains no provisions outlining the consequences or accountability mechanisms applicable to *muhtasibs* who fail to comply with their duties or abuse their authority. According to a spokesperson for the de facto ministry, a dedicated unit handles allegations of abuse of authority. The de facto ministry has also encouraged people to submit complaints through a 24-hour telephone hotline. However, there are concerns about the potential for reprisals against individuals who complain.

84. The situation is exacerbated by the absence of independent oversight mechanisms and safeguards and the dismantling of protections, such as the Afghanistan Independent Human Rights Commission, since the Taliban retook power. The result is a lack of institutions and mechanisms that can offer protection, accountability and assistance to victims and their families.

4. Socialization, training and education

85. The de facto ministry is required to educate and train *muhtasibs* and other relevant officials to ensure that they understand the law and their responsibilities (art. 31). To this end, de facto officials have engaged in awareness-raising efforts at both the national and subnational levels. The de facto Minister responsible for the promotion of virtue and the prevention of vice has travelled extensively to raise awareness of the law, while provincial departments of his ministry have held regular briefings with district-level de facto civil and military officials, religious leaders and others to educate them on the law and the importance of compliance therewith.

86. In parallel, the de facto ministry appears to have embarked on an online campaign aimed at countering criticism of its restrictions on women and girls, instead presenting itself as a defender of their rights. In particular, it highlights examples of when it claims to have intervened in cases of forced marriage and domestic violence and in securing women's inheritance rights. Analysis of content posted by the de facto ministry on its social media accounts indicates a significant increase in mentions of keywords related to women's rights since October 2024.[18] The majority of these posts were in local languages, although some were also in English. The campaign appears to have coincided with increasing reports of enforcement of the law, suggesting a deliberate strategy to portray the de facto authorities as protectors of women's rights and dismiss, for a domestic audience, reports of harsh or abusive implementation.

VI. Impacts and implications

A. Road map of things to come

87. It is important to stress that the law on the promotion of virtue and the prevention of vice, while a deeply regressive piece of legislation, is not an anomaly. It represents a continuum of the Taliban's policies of discrimination and persecution implemented since returning to power and of those imposed during their first period of rule. Many of the provisions in the law codify decrees and edicts that had already been introduced by the group since retaking power. The formalization of these restrictions in the law is proof that they were not a series of ad hoc, piecemeal orders, but rather that they form part of a purposeful and institutionalized system of oppression, discrimination and control. The fact that the law, and the Taliban's wider web of restrictions on the population of Afghanistan, so closely mirror

[18] Information and additional analysis provided by Afghan Witness.

those that were in place between 1996 and 2001, further confirms that the Taliban have not moderated their behaviour. The group remains committed to pursuing its deeply discriminatory and misogynistic agenda.

88. Looking forward, the Special Rapporteur considers it highly likely that the situation will deteriorate still further. Left unchecked, the Taliban will intensify, expand and further entrench its restrictions on the people of Afghanistan, in particular women and girls, and likely religious and ethnic minorities, subjecting them to ever-expanding circles of discrimination, segregation and oppression.

B. Perpetuating gender persecution

89. The Special Rapporteur has repeatedly documented severe deprivations of the rights of women and girls by the de facto authorities since 2021. He has also documented violations against LGBT+ persons and against individuals whom the Taliban perceives as allies of women and girls. This architecture of gender oppression has been enforced using a range of measures, including decrees and edicts, to coerce complicity through threats, humiliation and violence and repress those who resist. The Special Rapporteur has concluded that the Taliban's institutionalized system of discrimination, exclusion and repression of women and girls constitutes a widespread and systematic attack on the civilian population of Afghanistan and may constitute crimes against humanity, including gender persecution. The law on the promotion of virtue and the prevention of vice not only forms part of this attack, it also provides further evidence that it has been planned and orchestrated at the highest levels, pursuant to or in furtherance of an organizational policy.

90. In January 2025, the Prosecutor of the International Criminal Court announced applications for arrest warrants for two senior Taliban leaders, citing reasonable grounds to believe that these individuals bear criminal responsibility for the crime against humanity of persecution on gender grounds.[19] The Special Rapporteur welcomes this announcement and looks forward to further applications.

91. The "status" of the law on the promotion of virtue and the prevention of vice as a law, its provisions and its methods of enforcement underscore the institutional, intentional and ideological nature of the Taliban's system of gender oppression in Afghanistan. Afghans, in particular women, often use the term "gender apartheid" to describe the Taliban's abuses against them. The Special Rapporteur also considers that this term accurately characterizes the deliberate, systematic and ideological nature of the Taliban's conduct and reiterates his support for the codification of gender apartheid as a crime against humanity.

C. Climate of surveillance and self-censorship

92. The Taliban's oppressive policies, including the law on the promotion of virtue and the prevention of vice, not only allow the de facto authorities to exert control over nearly every aspect of Afghans' daily lives, they reinforce a pervasive climate of fear that the Special Rapporteur has noted with concern since his initial report in September 2022.[20] Public spaces, homes and even personal interactions are monitored, eroding the distinction between private and public life. Non-compliance can result in harsh punishments, including public shaming, imprisonment or physical violence. This, in turn, fosters an atmosphere of anxiety, as individuals live in constant fear of violating the Taliban's moral code.

93. Equally worrying is the growing fear of being reported by neighbours, colleagues or even family members for real or perceived infractions of Taliban policies. The result is that communities are increasingly resorting to self-regulation and self-censorship. Over time, this fear and mistrust is likely to erode the social fabric, with communities becoming more and more fragmented under the weight of growing collective suspicion.

[19] International Criminal Court, "Statement of ICC Prosecutor Karim A.A. Khan KC: applications for arrest warrants in the situation in Afghanistan", 23 January 2025.

[20] A/HRC/51/6.

94. The Special Rapporteur has heard from Afghans inside the country about how new restrictions and regulations are further exacerbating stress, anxiety and depression, increasing feelings of despair and hopelessness. The presence of de facto officials and suspected informers in communities, the threat of constant surveillance and the unpredictability of enforcement are further contributing to feelings of insecurity, heightening psychological stress and anxiety, especially among young women.

D. Discrimination and exclusion of minority and marginalized communities

95. Taliban policies not only deny the fundamental rights of diverse ethnic and religious minorities but also exclude those communities from the centre of Afghan society, marginalizing their cultures in order to centralize power around the Taliban's own identity and ideology. This approach is likely to exacerbate and entrench discrimination against and exclusion of minority and marginalized communities, which, over time, is likely to erode social cohesion, creating deep divides that perpetuate discrimination and violence.

96. Afghanistan has a long history of serious violations and abuses of the rights of ethnic, religious and other minority groups, often committed with impunity. In addition to the Taliban's discriminatory and exclusionary policies, the Special Rapporteur is concerned about the presence of other triggers for violations of the rights of minority and marginalized groups, including erosion of the rule of law, lack of accountability mechanisms and suppression of civil society groups and an independent media.[21] The Special Rapporteur calls for increased monitoring of the situation of ethnic, religious and other minority groups, with an emphasis on early warning and prevention.

E. Erosion of Afghan culture and identity

97. Afghanistan has a long, rich and diverse cultural heritage of art, handicrafts, poetry, literature, music and dance. These not only showcase individual and collective artistic and cultural traditions, they often serve as important economic activities for many communities. The Taliban's control over cultural expression therefore not only diminishes the vibrancy of Afghan society but also affects individual, family and community incomes and livelihoods.

98. Continued cultural suppression is likely to have profound and long-lasting effects on Afghan society, resulting in a loss of diversity, creativity and cultural vibrancy. Over time, it risks creating a society that is culturally impoverished and disconnected from its historical roots, one that lacks creative outlets, leading to intellectual stagnation. Moreover, the absence or even erasure of diverse cultural narratives can foster mistrust and division, which, in turn, can perpetuate cycles of discrimination, alienation and even violence, especially against minority and marginalized groups.

F. Economic impacts

99. The economic situation of Afghanistan deteriorated significantly after the Taliban took power, with international sanctions, the freezing of Afghan central bank assets and the diminishing of foreign aid plunging the country into financial crisis. Although the situation appears to have stabilized, economic stagnation persists. Unemployment, underemployment, household debt and poverty remain widespread. Meanwhile, the humanitarian response remains chronically underfunded.

100. The Taliban's discriminatory policies, including restrictions on the rights of women and girls, are further compounding the economic crisis. Women, who faced challenges participating in the economy even before the Taliban took power, now face severe economic marginalization and worsening poverty levels nationwide. Female-headed households and

[21] See Office on Genocide Prevention and the Responsibility to Protect, "Framework of analysis for atrocity crimes: a tool for prevention" (New York, 2014).

women and girls from poor and marginalized communities are disproportionately affected. The situation can only deteriorate with the ban on girls' and women's education beyond the sixth grade, further limiting their future employment prospects, increasing their economic insecurity and deepening the feminization of poverty. The ban will also significantly weaken Afghanistan's future labour force, with long-term economic impacts.

101. Meanwhile, the emigration of educated and skilled professionals has also been identified among the economic shocks affecting the economy of Afghanistan in the aftermath of the Taliban takeover. Although data on the "brain drain" is limited, the lack of skilled professionals and gaps in expertise in key fields, such as healthcare, education, engineering and technology, will significantly hinder growth. The continuing economic crisis, lack of opportunities and the Taliban's restrictions – particularly on women and girls – will likely drive further outflows of Afghans, especially educated Afghans.

G. Security risks

102. The Special Rapporteur has repeatedly warned that the Taliban's extreme policies, especially their policies of gender oppression and dehumanization of women and girls, are likely to fuel a dangerous ideology among generations of Afghans, particularly men and boys, thereby posing security risks to the region and beyond. As the Taliban tightens their grip on the people of Afghanistan through further discrimination and oppression, these risks will only grow. Increasing poverty, a lack of opportunities and education, and further restrictions on individual and collective rights and freedoms will further heighten the threat of radicalization and regional and global insecurity.

VII. Conclusions and recommendations

103. **The law on the promotion of virtue and the prevention of vice is a deeply discriminatory and regressive law codifying and consolidating the numerous discriminatory and oppressive policies imposed by the Taliban since they seized power in 2021. It confirms that extreme forms of discrimination are not an incidental feature of Taliban rule, but rather a core element of their overall ideology and official policy. The law, coupled with wider restrictions on the lives and rights of Afghans, forms part of a deliberate and calculated strategy to entrench Taliban control by enforcing a rigid and repressive social order. As such, the law functions as both a symptom and a tool of Taliban oppression, persecution and control.**

104. **Current Taliban restrictions replicate many of the appalling practices that the group imposed when it was in power between 1996 and 2001. Two decades later, and despite initial claims of reform, the Taliban are slowly but surely reinstating the same draconian policies, proving that their ideology remains unchanged and unyielding. The current trajectory suggests that the situation is likely to deteriorate still further. Those who will continue to bear the brunt are the people of Afghanistan, in particular women, girls and ethnic and religious minorities.**

105. **That does not mean that there is no hope. The people of Afghanistan, both those living in the country and those in the diaspora, are determined and resilient. Their courage and perseverance must be matched with increased, coordinated and principled international action in which Afghan perspectives and agency are centred.**

106. **While international support is – and will continue to be – essential, challenging the Taliban's discriminatory and oppressive policies will most effectively be driven by the people of Afghanistan themselves. Social movements, independent media, grass-roots organizations, humanitarian workers, religious leaders, underground networks and online activism all play a critical role in documenting abuses, protecting at risk and vulnerable communities, educating and informing people about their rights and demanding accountability.**

107. **With sustained and principled international pressure, strengthened support for civil society, increased humanitarian assistance and an unwavering commitment to**

accountability, it is possible to push back against the Taliban's repression. States Members of the United Nations must act decisively – not only to mitigate the current crisis but also to lay the groundwork for a future Afghanistan defined by freedom, equality and dignity. Doing so is in the interest of not only the Afghan people but also the wider global community.

108. **The Special Rapporteur reiterates his calls for the de facto authorities to fulfil their responsibilities under international human rights law, including by revoking and reversing all policies and practices that violate these obligations, such as the law on the promotion of virtue and the prevention of vice.**

109. **The Special Rapporteur also reiterates his call for States not to officially recognize the de facto authorities and to ensure that that any normalization of engagement with the de facto authorities is based on demonstrated, measurable and independently verified improvements in human rights, in particular for women and girls, assessed against clearly established human rights benchmarks.**

110. **The Special Rapporteur reiterates the need for an "all tools" approach to challenge and dismantle the Taliban's institutionalized system of gender discrimination and oppression and wider restrictions on the rights and lives of the people of Afghanistan. In addition to his previous recommendations, the Special Rapporteur calls upon States:**

(a) **To ensure that the human rights situation in Afghanistan is a priority for discussion and action in national, international, multilateral and regional settings;**

(b) **To support, both financially and politically, platforms for non-Taliban Afghan experts and Islamic scholars, including women and members of minority and marginalized communities, to share information and analysis, including by ensuring their participation in international forums and discussions on the future of Afghanistan;**

(c) **To support organizations and initiatives providing holistic, rights-based and inclusive education in Afghanistan.**

111. **The Special Rapporteur especially calls on Muslim-majority countries and the Organization of Islamic Cooperation to intensify efforts to persuade the Taliban to modify policies and practices inconsistent with mainstream Islamic principles, including regarding equal access to education for all.**

112. **In order to support and strengthen civil society, in particular Afghan- and women-led civil society organizations, the Special Rapporteur calls upon States:**

(a) **To increase support for non-governmental organizations and independent media operating in Afghanistan or working the situation in the country by committing to long-term and flexible funding and ensuring that they lead in identifying key areas of work and setting priorities;**

(b) **Consult with civil society organizations and activists in and from Afghanistan actively, meaningfully and regularly, ensuring the inclusion of a wide range of voices and perspectives, in particular those of women, children and young people, and members of minority and marginalized communities.**

113. **In order to increase vital humanitarian support to the people of Afghanistan, the Special Rapporteur calls upon States and international donors to ensure sustained humanitarian funding and increase support to Afghan-led and women-led organizations, especially those working with minority or marginalized communities.**

114. **In order to end impunity and ensure accountability for international crimes committed in Afghanistan, the Special Rapporteur urges States:**

(a) **To ensure that the International Criminal Court has the resources and cooperation needed to investigate and prosecute those responsible for international crimes;**

(b) **To support efforts to bring Afghanistan before the International Court of Justice for violations of the international human rights treaties to which it is a party;**

(c) **To support the codification of gender apartheid as a crime against humanity;**

(d) **To identify and strengthen survivor-centred pathways for accountability, as part of a broader, holistic and inclusive approach to transitional justice.**